

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) **Venom 64, Inc. d/b/a Western Nights,**)
an Oklahoma Corporation;)
(2) **Glenn's Roadhouse, LLC d/b/a Roadhouse**)
Bar & Grill, an Oklahoma Limited)
Liability Company;)
(3) **Six Shooter Saloon, LLC d/b/a Six Shooter,**)
Saloon, an Oklahoma Limited Liability Company;)
(4) **Brent Barnett, an individual;**)
(5) **Kari Rehl, an individual;**)
(6) **Lacy Gilworth, an individual; and**)
(7) **Augustin Ramon, an individual;**)

Case: 5:20-CV-01190-JD

Plaintiffs.

vs.

(1) **City of Oklahoma City,**)
(2) **David Holt, in his official capacity**)
as Mayor of Oklahoma City; **and**)
(3) **Wade Gourley, in his official capacity as**)
Chief of Police of the City of Oklahoma City;)

Defendants.

PLAINTIFFS' RESPONSE TO DEFENDANTS' RESPONSE TO PLAINTIFFS'
MOTION TO REMAND

COMES NOW Plaintiffs, through by and through their attorney, Frank A. Urbanic and respectfully requests that Defendants not be awarded any costs or expenses and that this case be remanded to Oklahoma County District Court. Plaintiffs are seeking relief from the illegal injunction that Defendants have placed on them. Defendants' response to Plaintiffs' Motion to Remand is, yet again, another delay tactic by Defendants. They are hoping to run out the clock on Plaintiffs today so that they will not even have the

opportunity for relief. They know that the courts are closed for the remainder of the week due to the Thanksgiving holiday. If Plaintiffs cannot get this case heard by today, then Plaintiffs do not even have the opportunity for relief until Monday. The amount of pain that will be inflicted on Plaintiffs, and those similarly situated in Oklahoma City, by Defendants is incalculable. This attempt by the City to seek payment from Plaintiffs is their way of “sticking it to” Plaintiffs.

Defendants are asking for costs and attorney fees pursuant to 28. U.S.C. § 1447. This law states that Defendants “may” be entitled to cost and attorney fees. Therefore, the payment of those fees by the opposing party is not mandatory. This Court has the discretion to decide what is in the best interest of justice.

The attorneys for Defendants are municipal counselors. They work for the City of Oklahoma City. Plaintiffs are hard-working Oklahomans who either run a small business or work in a small business. Some of them live paycheck to paycheck. They rely on the job that Defendants are preventing them from working to make a living. It is unconscionable that Defendants would be asking that these very people, who have already paid the salary of the municipal counselors through their taxes, to somehow pay them again in a lawsuit where Defendants are seeking to terminate the ability of Plaintiffs to pay *anything*.

Plaintiffs filed this case in state court—not federal court. It is not Plaintiffs who decided to bring the case to a venue with a \$400 filing fee. Plaintiffs should not be forced to pay the court costs for a venue that they did not file in. Plaintiffs have already paid for

the filing fees in state court. It is outrageous that Defendants are asking to be reimbursed for the filing fee. It was Defendants' choice to bring this case to federal court. A temporary resolution could have happened yesterday in Oklahoma County Court, but for the actions of Defendants.

Additionally, this lawsuit is not frivolous. There are numerous reasonable claims that are supported in law.

In summary, the resources of Defendants vastly outweigh those of Plaintiffs. It is a municipal corporation with the ability to tax its citizens and force people into compliance with its policies via threats of criminal prosecution. Plaintiffs just want to go to work. And Defendants are preventing Plaintiffs from working. It would be highly unjust to have Plaintiffs pay Defendants for anything. It is in the best interest of justice to deny Defendants' request for attorney fees and any other costs they incurred as a result of their bringing this action to federal court because this case is in federal court purely due to the actions of Defendants.

With respect to dismissing Defendants Holt and Gourley, Plaintiffs will leave this decision up to this Court. Plaintiffs would prefer that all parties originally named stay as parties to this lawsuit. However, Plaintiffs will take whichever route gets this case remanded back to Oklahoma County District Court the quickest so that Plaintiffs may have something to be thankful about this Thanksgiving.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Frank Urbanic', written over a horizontal line.

Frank A. Urbanic, OBA No. 32528

The Urbanic Law Firm, PLLC

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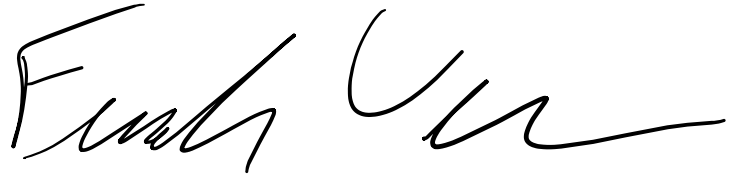
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Email: Frank@Urbanic.Law

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2020, I electronically filed the foregoing document with the Court via CM/ECF, which will automatically send notice and a copy of same to counsel of record via electronic mail.

A handwritten signature in black ink, appearing to read "Frank Urbanic", written over a horizontal line.

Frank A. Urbanic